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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 FEDERAL DEPOSIT INSURANCE
CORPORATION AS RECEIVER OF
12 WASHINGTON MUTUAL BANK.

13 Plaintiff,

14 v.

15 NEVADA TITLE COMPANY, a Nevada
corporation,

16 Defendants.
17

CASE NO: 2:14-cv-01567-GMN-GWF

STIPULATION AND ~~Proposed~~ ORDER
TO EXTEND DISCOVERY DEADLINES,
PURSUANT TO LR 26-4

(First Request for Extension)

18 Plaintiff, Federal Deposit Insurance Corporation as Receiver of Washington Mutual Bank
19 (“FDIC”) and Defendant, Nevada Title Company (“Nevada Title”) (collectively the “Parties”), by
20 and through their respective counsel, hereby file this Stipulation to Extend Discovery Deadlines.
21 This request complies with Local Rules (“LR”) 6-1, 6-2, 7-1, and 26-4, and is based on good cause
22 because the litigation of this matter will be best served by the proposed extension.

23 **A. INTRODUCTION**

24 This case arises out of Nevada Title’s closing of a real estate transaction that was funded, in
25 part, by a loan issued by Washington Mutual Bank. The real estate transaction was subsequently
26 determined to have been a fraud perpetrated by the seller, buyer, and others involved in the
27 transaction. FDIC contends Nevada Title failed to comply with the Washington Mutual Bank’s
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Closing Instructions, which allegedly caused it to sustain damages when the buyer defaulted on the loan.

B. CURRENT SCHEDULE

The Complaint in this matter was filed on September 24, 2014, and was served upon Nevada Title on December 19, 2014. Nevada Title filed its Answer to the Complaint on January 15, 2015. On March 10, 2015, the Parties filed a Joint Discovery Plan and Scheduling Order, which the Court approved on March 11, 2015, setting forth the following relevant deadlines:

- | | | |
|----|------------------------------|--------------------|
| 1. | Discovery Cut-Off: | July 14, 2015 |
| 2. | Initial Expert Disclosures: | May 15, 2015 |
| 3. | Rebuttal Expert Disclosures: | June 15, 2015 |
| 4. | Dispositive Motions: | August 13, 2015 |
| 5. | Interim Status Report: | May 15, 2015 |
| 6. | Joint Pretrial Order: | September 11, 2015 |

C. PROPOSED SCHEDULE

The parties propose extending the above-referenced deadlines by sixty (60) days, as follows:

- | | | |
|----|------------------------------|--------------------|
| 1. | Discovery Cut-Off: | September 12, 2015 |
| 2. | Initial Expert Disclosures: | July 14, 2015 |
| 3. | Rebuttal Expert Disclosures: | August 14, 2015 |
| 4. | Dispositive Motions: | October 12, 2015 |
| 5. | Interim Status Report: | July 14, 2015 |
| 6. | Joint Pretrial Order: | November 10, 2015 |

D. DISCOVERY COMPLETED BY THE PARTIES

Both parties have served their initial disclosures.

On March 10, 2015, FDIC served its First Set of Interrogatories, Requests for Admission, and Requests for Production upon Nevada Title.

On March 24, 2015, Nevada Title served its First Set of Interrogatories, Requests for Admission, and Requests for Production upon FDIC.

E. DISCOVERY REMAINING TO BE COMPLETED

Nevada Title's responses to FDIC's First Set of Interrogatories, Requests for Admission, and Requests for Production (currently due April 27, 2015);

FDIC's responses to Nevada Title's First Set of Interrogatories, Requests for Admission, and Requests for Production (currently due May 11, 2015);

Deposition of percipient witness Rebecca Raymond Soto;

Deposition of percipient witness Doug Chalmers;

Deposition of Rule 30(b)(6) witness(es) for FDIC;

Deposition of Rule 30(b)(6) witness(es) for Nevada Title;

Expert disclosures; and

Depositions of the Parties' expert witnesses.

F. STATEMENT OF GOOD CAUSE SUPPORTING THIS REQUEST

Good cause exists for extending the expert disclosures and discovery cut-off. The parties have diligently commenced discovery, with both parties having served written discovery requests upon each other. FDIC has had some difficulty in locating documents responsive to Nevada Title's written discovery requests, in part, because Washington Mutual is a failed bank that has not been operational since September 2008. The Parties' experts would benefit from having access to the Parties' written discovery responses in order to form their opinions. Additionally, FDIC has encountered difficulties in serving deposition subpoenas upon percipient witnesses Rebecca Raymond Soto and Doug Chalmers. Accordingly, the Parties respectfully submit that good cause exists for the requested sixty (60) day extension to the discovery deadlines set forth above.

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1 DATED this 21 day of April, 2015

DATED this 21st day of April, 2015

2 **WILSON, ELSE, MOSKOWITZ, EDELMAN**
3 **& DICKER LLP**

KOLESAR & LEATHAM

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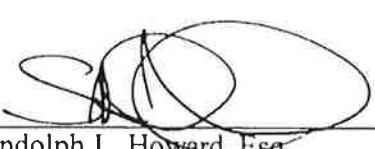
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11 **ORDER**

12 **GOOD CAUSE SHOWN, IT IS SO ORDERED**

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14 Dated this 23rd day of April, 2015

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17 UNITED STATES MAGISTRATE JUDGE